

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 55323

Arlene Ali

1126 Ingleside Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on April 7, 2009, for a hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1, 428, 431 failure to remove commercial vehicle, failure to comply with correction notice; Baltimore County Code (BCC) section 13-7-112, 115, 310, 312, failure to remove debris and materials from property, junk, trash, debris and materials beside shed and failure to store garbage in containers without tight fitting lids on residential property known as 1126 Ingleside Avenue, 21207.

On March 3, 2009, pursuant to §3-6-205, Baltimore County Code, Code Enforcement Officer, issued a code enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,000.00 (three thousand dollars).

The following persons appeared for the Hearing and testified: the Respondent's tenant, Rodney King and Stuart Kelly, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on January 22, 2009 for removal of junk, trash, and debris, and removal of a commercial vehicle from residential property. This Citation was issued on March 3, 2009. Photographs in the file show junk, trash and debris; trashcans overflowing with bagged garbage and no lids; and a large commercial tow truck. Re-inspection on March 26, 2009 shows significant improvement, with trash and garbage abated but the tow truck still parked on the property. This Hearing was delayed at Respondent's request.

B. Mr. King testified that the vehicle has been removed. Mr. King testified that he was unable to move it earlier but has now moved it off the property.

C. Baltimore County zoning regulations prohibit parking a commercial vehicle on residential property. BCZR § 431. The possible civil penalty for zoning violations is \$100.00 per day. Because compliance is the goal of code enforcement, the penalty will be rescinded if the property is found to be in compliance. Respondent is advised that any future violation will be subject to immediate Citation, as County policy does not require issuance of a Correction Notice for repeat violations.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$100.00 (one hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to \$0 (zero dollars) if the property is found to be in compliance upon re-inspection, with no commercial vehicle improperly parked on the property. If the Respondent fails to correct the violation, the civil penalty shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 14th day of April 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.